



April 22, 2004

Secretary Marlene H. Dortch  
Federal Communications Commission  
445 Twelfth Street, SW, Room TWB-204  
Washington, D.C. 20554

**RE: Notice of Oral Ex Parte  
CC Docket Nos. 01-338, 96-98, 98-147**

Dear Ms. Dortch:

On April 15, 2004, the Alliance for Public Technology (APT) met with Federal Communications Commission Commissioner Adelstein and his Legal Advisor Scott K. Bergmann to discuss APT's policy position on the Triennial Review Order (TRO).

The meeting was held in Commissioner Adelstein's office in Washington, D.C. Present were: Debbie Goldman, President, Alliance for Public Technology (APT); Ollie Cantos, General Counsel, American Association of People with Disabilities (AAPD); Sylvia Rosenthal, Executive Director, APT; and Pat Engel, Senior Consultant, Issue Dynamics, Inc.

At the meeting, Debbie Goldman noted that while she was representing APT in her capacity as President, the Communications Workers of America (CWA) for whom she works shares policy views that are consistent with APT's position. After a profile of the organization by Sylvia Rosenthal, Ms. Goldman stressed the need for policies that promote capital investment and the impact for jobs and rural communities. The following five topics were addressed:

1. Negotiation – Both Commissioner Adelstein, citing the recent Qwest-Covad agreement, and APT agreed that negotiation is the way the issues arising from TRO should be resolved.
2. Broadband – APT underscored the importance of broadband deployment and noted that reopening the proceeding could reopen the broadband issue. APT warned that should the issue remain unresolved, critically needed capital will not be invested in communications infrastructure. APT estimates that the industry lost \$30 billion in investment over the past two years as a result of the lack of resolution.
3. Federal-State Partnerships – APT expressed its opposition to the FCC's attempts to delegate its responsibility to the states. APT is unconvinced that the Court's ruling affects anything more than Unbundled Network Elements.

4. Switching – APT surmised that switching requirements will affect the ability to have cash flow for investment.
5. VOIP - APT concluded that the regulatory framework for VOIP must eventually be the same as for all providers. AAPD's general counsel, Ollie Cantos, added that access to VOIP was very important to people with disabilities.

This Notice is being filed electronically in each of the above referenced dockets in accordance with the Commission's rules.

Sincerely,

Sylvia Rosenthal  
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